

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
Eastern Division**

In re:)	
)	
ROBERT C. RUFFIN, JR.)	Case No. 15-45993-399
Debtor.)	
)	
DEUTSCHE BANK NATIONAL TRUST)	Chapter 13
COMPANY, AS CERTIFICATE TRUSTEE ON)	
BEHALF OF BOSCO CREDIT II TRUST)	
SERIES 2010-1)	Hearing Date: December 2, 2015
Movant,)	Hearing Time: 10:00 am
v.)	Answer Date: November 25, 2015
ROBERT C. RUFFIN, JR.)	
TINA M. RUFFIN)	DOCKET NO. _____
Respondents.)	
)	

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY
MEMORANDUM IN SUPPORT THEREOF**

COMES NOW, Deutsche Bank National Trust Company, as certificate trustee on behalf of Bosco Credit II Trust Series 2010-1 and its subsidiaries, affiliates, predecessors in interest, successors or assigns (“Movant”) by and through its attorneys, Melinda J. Maune, Amy Tucker Ryan and the law firm of Martin Leigh PC Movant respectfully moves for relief from the automatic stay, and states as follows:

1. On or about May 2, 1997, Robert C. Ruffin, Jr. (“Debtor”) and Tina M. Ruffin (“Co-Debtor”) executed and delivered to Bann-Cor a California Corp., a Note (“Note”) in the original principal amount of \$45,000.00. A true and correct copy of the Note is attached hereto as Exhibit A and incorporated herein by this reference.

2. The Note is secured by a Deed of Trust dated May 2, 1997, recorded in Book 791 at Page 544, executed and delivered by Debtor and Co-Debtor for the benefit of Bann-Cor a California Corp., covering the following property:

LOT SEVEN (7) OF CROMWELL CROSSING, A SUBDIVISION AS SHOWN BY PLAT ON FILE IN THE RECORDER’S OFFICE OF JEFFERSON COUNTY, MISSOURI IN PLAT BOOK 119, PAGE 22 AND CORRECTION AFFIDAVIT RECORDED IN BOOK 0665, PAGE 515.

The above-described property is also known as 1100 Hillsboro Rd, Festus, MO 63028 (“Property”). A true and correct copy of the Deed of Trust is attached hereto as Exhibit B and incorporated herein by reference.

3. Movant is now the owner and holder of the Note and Deed of Trust. A true and correct copy of the Assignments of Deed of Trust are attached hereto as Exhibit C and incorporated herein by reference.

4. Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on August 11, 2015.

5. The Debtor’s Chapter 13 Plan proposes to surrender the collateral listed in Paragraph two above. Movant now seeks relief from the automatic stay in order to exercise any and all rights provided under non-bankruptcy law under the Note and Deed of Trust.

6. Movant lacks adequate protection of its interest in the property described in Paragraph 2 above. 11 U.S.C. § 362 (d) (1).

7. Movant requests relief from co-debtor stay under 11 U.S.C. §1301. Under 11 U.S.C. §1301(c)(3), Movant’s interest will be irreparably harmed by continuation of stay.

8. The principal balance of this Note is \$63,641.23.

9. Upon information and belief, Debtor has little or no equity in the Property for the benefit of the bankruptcy estate and said Property is not necessary for an effective reorganization. 11 U.S.C. §362(d)(2)(A) and §362(d)(2)(B).

10. Movant requests that any order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, for the foregoing reasons, Movant prays that this Court enter an Order granting relief from the automatic stay and co-debtor stay to enable Movant to exercise any and all rights provided under non-bankruptcy law and as set forth in the Note and Deed of Trust granting it an interest in said property, including but not limited to foreclosure of the Property, to pursue a short sale, deed in lieu of foreclosure or other foreclosure alternatives, to exercise its rights under state law to obtain possession of the property, that any order modifying the stay be effective immediately as allowed under Fed. Rule Bankr. P. 4001(a)(3), and for such other and further relief as is just and appropriate under the circumstances.

Respectfully submitted,

MARTIN LEIGH PC

s/ Melinda J. Maune

Melinda J. Maune, #49797MO, mjm@martinleigh.com

Amy Tucker Ryan, #49047MO, atr@martinleigh.com

1044 Main Street, Ste. 900

Kansas City, Missouri 64105

Telephone: (816) 221-1430

Fax: (816) 221-1044

ATTORNEYS FOR MOVANT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 4th day of November, 2015, a true and correct copy of the above and foregoing was electronically filed addressed to the following:

Michael J. Watton
Watton Law Group
700 North Water Street
Suite 500
Milwaukee, WI 53202

John V. LaBarge, Jr
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143

U.S. Trustee
Office of US Trustee
111 S Tenth St, Ste. 6353
St. Louis, MO 63102

And via United States mail, postage prepaid, to:

Robert C. Ruffin, Jr.
4700 Penrose Street
Saint Louis, MO 63115

Tina M. Ruffin
1100 Hillsboro Road
Festus, MO 63028

s/ Melinda J. Maune

Attorney for Movant

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SUMMARY OF EXHIBITS

The following exhibits in reference to the Motion for Relief from Automatic Stay are available upon request:

- A. Note
- B. Deed of Trust
- C. Assignment of Deed of Trust

Respectfully submitted,

MARTIN LEIGH PC

s/ Melinda J. Maune

Melinda J. Maune, #49797MO, mjm@martinleigh.com

Amy Tucker Ryan, #49047MO, atr@martinleigh.com

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Attorney for Movant